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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/383,279	08/26/1999	BRIAN K. WHARTON	214014600004	6359

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EXAMINER

FADOK, MARK A

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 08/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/383,279

Applicant(s)

WHARTON, BRIAN K.

Examiner

Mark Fadok

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 August 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Reply

The examiner is in receipt of applicant's reply to office action mailed 1/3/2005, which was received 6/16/2005. Acknowledgment is made that there were no amendments to the claims leaving claims 15-33 as pending in the instant application. The examiner has carefully considered the applicant's remarks and finds them convincing, however, after further search of the application a new grounds of rejection are provided below:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 15-23 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Ferguson et al. (US 2001/0011250).

In regards to claim 15, Ferguson discloses a method of conducting E-Commerce, comprising the steps of

- (A) connecting to an E-Commerce portal (FIG 1);
- (B) linking from the E-Commerce portal to a vendor commerce system associated with the E-Commerce portal (FIG 1));
- (C) browsing a local catalog of products stored at the vendor commerce system and selecting a particular product for purchase (FIG 2);
- (D) transmitting a transaction packet from the vendor commerce system to a common transaction processing system via the Internet (FIG 3), and storing the transaction packet in a global shopping basket (col 4, lines 49-57);
- (E) returning to step (A) and repeating steps (B), (C) and (D) until no additional products are to be purchased (FIG 2 and col 11, lines 27-35);
- (F) segmenting the transaction packet information stored in the global shopping basket and aggregating individual product order items by vendor (FIG 8);
- (G) processing the individual product order items for each vendor at the transaction processing system by communicating transaction information between the transaction processing system and a plurality of back-end processing systems (col 2, lines 55-57).

In regards to claim 16, Ferguson teaches wherein the processing step (G), further comprises the steps of

(G)(1) querying a vendor database to obtain vendor-specific processing rules used by the transaction processing system to process the transaction order items for a particular vendor (col 8, lines 44-57); and

(G)(2) querying a customer database to obtain customer-specific processing rules used by the transaction processing system to process the transaction order items for a particular customer (col 12, lines 55-67).

In regards to claim 16, Ferguson discloses a payment proxy system for use with an online transaction processor, comprising:

a payment proxy interface for communicating information to and from the transaction processor;

runtime payment logic for determining, in real-time, how to process a particular transaction request transmitted to the payment proxy from the transaction processor ;
and

a plurality of payment connection modules coupled to the runtime payment logic for interfacing the transaction request to one of a plurality of payment verification systems (FIG 8).

In regards to claim 18, Ferguson discloses an E-Commerce framework, comprising:

a plurality of vendor commerce systems linked to a common E-Commerce portal, wherein each vendor commerce system includes a local product catalog and a local shopping basket;

a transaction processor linked to the E-Commerce portal via a computer network, the transaction processor having a global shopping basket and an interface for communicating transaction information between the local shopping baskets of the vendor commerce systems and the global shopping basket of the transaction processor;

a plurality of payment verification systems for authenticating transaction requests generated by the transaction processor when a customer of the framework engages a global checkout function; and

a payment proxy system coupled between the transaction processor and the plurality of payment verification systems for transmitting transaction requests generated by the transaction processor to the appropriate payment verification system (see response to claims (15-17 above)).

In regards to claim 19, Ferguson discloses an E-Commerce system, comprising:

a plurality of vendor commerce systems;

a plurality of back-end processing systems for processing transaction requests generated by the plurality of vendor commerce systems;

a transaction processor coupled between the plurality of vendor commerce systems and the plurality of back-end processing systems,

wherein the transaction processor includes a global shopping basket for storing transaction information generated by the plurality of vendor commerce systems, and a back-end processor interface for processing and routing the stored transaction requests to the plurality of back-end processing systems,

wherein the global shopping basket is capable of storing selections in combination with information whereby a vendor may be identified for each selection; and

a merchant database coupled to the transaction processor, wherein the merchant database stores merchant-specific transaction processing rules that instruct the transaction processor how to process a transaction for a particular merchant (see response to claim 15-17 above).

In regards to claim 20, Ferguson teaches an E-Commerce portal coupled to the plurality of vendor commerce systems (see response to claim 15-17 above).

In regards to claim 21, Ferguson teaches wherein the plurality of vendor commerce systems include: a local catalog of products and a local shopping basket (see response to claim 15-17 above).

In regards to claim 22, Ferguson teaches wherein the plurality of vendor commerce systems further include: a local customer directory and local workflow rules (see response to claim 15-17 above).

In regards to claim 23, Ferguson teaches a transaction interface implemented at the plurality of vendor commerce systems and at the transaction processor, wherein the transaction interface generates a transaction packet having a predefined format each time a customer using the E-Commerce system purchases a product at one of the vendor commerce systems, the transaction packet being transmitted from the vendor commerce system where the customer makes the purchase to the transaction processor, where it is stored in the global basket (see response to claim 15-17 above).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson in view of Nerlikar (US 5629981).

In regards to claim 24, Ferguson teaches a transaction packet including customer and merchant authentication and providing entry items over the internet (col 5, lines 4-15)(page 5, para 0052), but does not specifically mention that the information is in an order header and includes a time stamp. Nerlikar teaches packets containing headers and a time stamp (claim 31). It would have been obvious to a person having ordinary skill in the art at the time of the invention to include in Ferguson transmission packets including header information, because this was a notoriously well known means (see TCP-IP, introduced circa 1981) for sending identifying information of a transaction and would have benefited Ferguson by providing an efficient means for providing rudimentary transaction information between the parties in a secure manner.

Claims 26-33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson in view of Clearcommerce (a collection of articles from PTO 892).

In regards to claims 26-33, Ferguson teaches a proxy payment processor (checkout processor) using a software program produced by the assignee of patent '697' (FIG 2 and col 5, lines 15-25), the specifics of the proxy payment referenced on Ferguson are highlighted in Clearcommerce (a collection of articles from PTO 892) teach the features of the instant claims. It would have been obvious to a person having ordinary skill in the art at the time of the invention to include in Ferguson the payment processing means as taught by Clearcommerce, because "it adds real-time payment to

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reduce cost and improve efficiency and customer satisfaction." (Clearcommerce3, page 2).

Response to Arguments

Applicant's arguments with respect to claims 15-33 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **(571) 272-6755**. The examiner can normally be reached Monday thru Thursday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **(571) 272-7159**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **receptionist** whose telephone number is **(571) 272-3600**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

(571) 273-8300 [Official communications; including

After Final communications labeled

"Box AF"]

(571) 273-6755 [Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]

A handwritten signature in black ink, appearing to read 'Mark Fadok', with a long horizontal flourish extending to the right.

Mark Fadok

Primary Examiner